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June 3, 2004

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Art Unit 1644

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Utility Patent Application

Application No. 09/458,297; Filed: December 10, 1999

For: Inducing Cellular Immune Responses to p53 Using Peptide and Nucleic Acid

Compositions

Inventor:

FIKES et al.

Our Ref:

2060.0120000/EKS/HCC/J-H

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Reply to Requirement for Election of Species; and
- 2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Helene C. Carlson Agent for Applicant Registration No. 47,473

HCC/J-H/tis 270950v1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKES et al.

Appl. No.: 09/458,297

Filed: December 10, 1999

For: Inducing Cellular Immune

Responses to p53 Using Peptide and

Nucleic Acid Compositions

Confirmation No.: 8696

Art Unit: 1644

Examiner: Schwadron, R.

Atty. Docket: 2060.0120000/HCC/J-H

Reply to Requirement for Election of Species

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated May 3, 2004 requesting several elections of species, Applicants hereby provisionally elect:

- (a) peptide of claim 53 (9 amino acids in length) (claims 41, 42 and 53 are readable thereon) and
 - (b) a peptide fused to a linker (claims 41, 75, 84 and 88 are readable thereon).

Claim 41 is generic. Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a).

All of the above-listed elections are made without traverse.

The above-listed elections of species are made without prejudice to or disclaimer of the other claims or inventions disclosed. Consideration and allowance of all pending claims is respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Melenellach

Helene C. Carlson Agent for Applicants

Date: 6/3/64 Registration No. 47,473

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